IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO : 1633 of 2005

Between:

Syed Khader @ Syed Anwar,

S/o Syed Sardar Ahmed,
r/o 8-3-190/A, Erragadda, Hyderabad.

..... APPELLANT

AND

1 The Collector, Hyderabad District,

Nampally Station Road, Hyderabad.
2 The Mandal Revenue Officer,

Golconda Mandal, Hyderabad.

.....RESPONDENTS

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

Notice issued under Section 7 of A.P. Land Encroachment Act, 1905, dated October, 1993, was challenged by way of the writ petition on the ground that the property originally belongs to Maqbara Fakar-ul-Mulk situated adjacent to Vengalrao Nagar Colony, Hyderabad, and the petitioner had purchased the property from them.

Writ Petition has been dismissed by an order of learned single Judge on 23-12-2004 on the ground that disputed questions of fact are involved in the matter.

But learned Government Pleader appearing for respondents submits that in response to the show cause notice, the petitioner had filed objections and those objections have been rejected. But he concedes that no order under Section 6 of the Land Encroachment Act of 1905 has, till date, been passed.

Since the final order is yet to be passed, therefore, we feel that the writ petition and this writ appeal are premature. However, if any order is passed by the respondents in terms of Section 6 of the Land Encroachment Act of 1905, that shall immediately be communicated to the petitioner, and the petitioner would be at liberty to take recourse of any legal remedies available to him in law.

Writ Appeal is, accordingly, dismissed. No costs.

(Bilal Nazki, A.C.J)

12th September, 2005

(R.Subhash Reddy, J)

LUR